

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:16-CV-84-D

JACK HOWARD COX, Executor of the  
Estate of Percy Ray Cox,  
Plaintiff,

v.

AGCO CORPORATION, et al.  
Defendants.

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**ORDER**

This matter is before the clerk on the motion for entry of default [DE-148]. Therein, plaintiff Jack Howard Cox, Sr., as executor of the Estate of Percy Ray Cox,<sup>1</sup> seeks entry of default against defendant Prestolite Performance, successor to Hayes Performance Brakes (“Prestolite”).

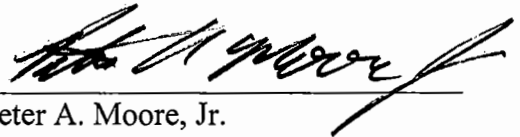
The undersigned issued an order on October 6, 2017 [DE-184], observing that plaintiff properly effected service on defendant Prestolite Performance via the North Carolina Secretary of State, but also observing that public records show that the legal name of that defendant is now ACCEL Performance Group. The undersigned held the motion in abeyance, and directed plaintiff to file a notice stating whether the clerk should proceed to rule on the motion for entry of default or whether plaintiff would be filing a motion with regard to the name of the defendant.

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<sup>1</sup> The motion was filed by plaintiffs Jack Howard Cox, Sr., Craig Michael Cox, and Valerie M. Cox, co-executors of the Estate of Percy Ray Cox, Deceased and Charlotte Cox, Individually. After these plaintiffs filed the motion, they filed the Amended Complaint [DE-157], in which the sole plaintiff is Jack Howard Cox, Sr., as executor of the Estate of Percy Ray Cox.

Plaintiff timely complied and filed a notice [DE-186] asking the clerk to proceed to rule on the motion for entry of default. For the reasons stated in the October 6, 2017 Order [DE-184], and pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the motion [DE-148] is GRANTED and default is entered against defendant Prestolite Performance, successor to Hayes Performance Brakes

SO ORDERED. This the 13<sup>th</sup> day of November, 2017



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Peter A. Moore, Jr.  
Clerk of Court